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COMMISSION

2012 APR 12 AM 11:12

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Freedom's Defense Fund and Scott B.
MacKenzie, in his official capacity as
treasurer

)
) **AUDIT REFERRAL 11-03**
)
)
)

CERTIFICATION

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on April 10, 2012, the Commission took the following actions in the above-captioned matter:

1. Failed on a vote of 3-3 to take the following actions:

MUR # 6555

- a. Open a MUR.
- b. Find reason to believe that Freedom's Defense Fund and Scott B. MacKenzie, in his official capacity as treasurer, violated 2 U.S.C. § 434(b)(6)(B)(iii) and (g), and 11 C.F.R. § 104.4(b) and (c).
- c. Approve the Factual and Legal Analysis as recommended in the First General Counsel's Report dated February 16, 2012.
- d.
- e.
- f. Approve the appropriate letter.

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Commissioners Bauerly, Walther, and Weintraub voted affirmatively for the motion.

Commissioners Hunter, McGahn II, and Petersen dissented.

2. Decided by a vote of 6-0 to take the following actions:

- a. Open a MUR.
- b. Find reason to believe that Freedom's Defense Fund and Scott B. MacKenzie, in his official capacity as treasurer, violated 2 U.S.C. § 434(b)(6)(B)(iii) and (g), and 11 C.F.R. § 104.4(b) and (c).
- c. Approve the Factual and Legal Analysis as recommended in the First General Counsel's Report dated February 16, 2012, with edits on page 6 pursuant to the meeting discussion.
- d. Enter into conciliation with Freedom's Defense Fund and Scott B. MacKenzie, in his official capacity as treasurer, prior to a finding of probable cause to believe.
- e.
- f. Approve the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 12, 2012
Date

Shelley E. Garr
Shelley E. Garr
Deputy Secretary of the Commission

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